

4-21-20

Darnell Green 116A41161

Green v. Garcia

18-CV-1745 (KMK)

Greetings,

firstly i would like to state that i just recieved the verdict to the motion to dismiss today (4-21-20) even though the date on the verdict says (3-25-20). Secondly the order was a little confusing to me when it says the motion was granted to dismiss 5 of the 7 defendants then says however in light of my pro se status i will be permitted to file a second amended complaint that set forth allegations with respect to each of the defendants, im not sure if that means im given another chance to add the other 5 defendant back in or was the order to dismiss those 5 defendants ~~final~~ however due to the 30 day time limutation im on i will just write the second amended complaint with only the two defendants ~~that~~ that will be mailed out ~~on~~ (4-22-20) enclosed is the second amended complaint along with exhibit supporting the fact, if possible i would like a copy of the exhibit back because they are my only copies & due to Covid-19 the prison is not making copies.

P.S. Please write me & let me know if this reached the courts in a timely manner. it is being mailed out on 4-22-20.

Respectfully  
Submitted

Darnell Green

MAY 05 2020

Darnell Green (b6)(4)(11b)

4-21-20

GREEN V. GARCIA

18-cv-1745 (KMK)

I'm bringing this claim against Officer James Garcia & Sgt. Osborne for excessive force & assault.

On Jan 4 2016 at Green Haven Correctional facility at about 530 am i was escorted to a strip-frisk room by Sgt. Osborne, Officer Garcia & 2 additional officers to be handed over to my NYC Correction Court transport because i was still a pre-trial detainee & was only at green haven due to a Substitute Jail order for my safety.

The incident started after the cuffs were taken off for me to be handed over to my court escort, I turned around & ran toward the officer but was stopped in my tracks when i was grabbed & held in place by two officers one on each side while being held in place Sgt. Osborne cocked his baton all the way back and deliberately struck me in my head with everything he had which burst my head open & resulted in me receiving staples in my head & later on losing my vision (Exhibit B) then Officer Garcia rushed me and started repeatedly punching me in the face while screaming profanity at me with each punch, that went on for awhile then more officers rushed in the room & followed Officer Garcia lead & started raining blows on me along with Officer Garcia who was still raining blows on me & yelling profanity (which is also on camera & audio) that went on for awhile then i got hit with something hard in my facial area which i later found out was a officer radio/walkie-talkie (Exhibit A) then i felt myself being pulled off camera which i knew they would have tried to kill me off camera so i force myself back on camera & fell on the floor in front of the camera & put my arms behind my back because at that point i just wanted the vicious beating to be over but it still wasn't over ~~after~~ after the cuffs was put on the officers still used underhanded methods like bending & twisting my fingers trying to break them while some officers were still punching & kneeling me in my ribs & all over my body & even toward the end somebody kicked me in my face (Exhibit A) which is the use of force report substantiates this whole claim to be facts.

Respectfully  
Submitted

Darnell Green

**Injuries:** I had to receive five staples in my head & my vision is deteriorating more & more every year due to my head injury also my whole face & head was covered with bumps & bruises, both eyes were black & one was swollen completely shut, mental anguish because this incident was traumatizing & left a lasting mental scar. (EXhibit B) Support these injuries.

**Relief:** Five million dollars and for Officer James Garcia & Sgt. Osborne to be held accountable & penalized for their actions!

P.S. I'm in the process of getting all the paperwork to prove that my eye sight was perfect before incident & to show that my eye sight is now continuing to deteriorate yearly! I should have that within in 2 weeks & would like to then add that to (EXhibit B).

Terrell Green



UN5571 STATE OF N. Y. - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
 01/13/16 USE OF FORCE REPORT  
 16:52:46 GREEN HAVEN GENERAL UF LOG NO. 160002.00  
 INCIDENT DATE 01/04/16 TIME 05:30AM UI CCC NO. 247583  
 GEN LOC. 01 ADMIN BLDG SPEC LOC. CB LOG NO.

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OFFENDER	DIN/NYSID	ETHNIC	ROLE
GREEN, DARNELL	1510019		PERP

=====

STAFF INVOLVED	TITLE	FORCE1	FORCE2	FORCE3	DEGREE
[REDACTED]	SGT	BATON			
[REDACTED]	CO	STRIKE			MINOR
[REDACTED]	CO	STRIKE			
[REDACTED]	CO	STRIKE			MINOR
[REDACTED]	CO	BODY HOLD	STRIKE		MINOR
[REDACTED]	CO	BODY HOLD			MINOR
[REDACTED]	CO	BODY HOLD			MINOR

=====

DESCRIBE EVENTS LEADING UP TO THE APPLICATION OF FORCE:

ON JANUARY 4, 2016, AT 05:23 AM, SGT [REDACTED] AND OFFICERS [REDACTED], [REDACTED] AND [REDACTED] ESCORTED INMATE GREEN FROM SHU-16 TO THE ADMINISTRATION BUILDING VISIT ROOM, STRIP FRISK AREA, TO BE CLEARED BY THE BOSS CHAIR AND TURNED OVER TO NYC RIKERS ESU TEAM, TO BE TRANSPORTED TO COURT.

UPON COMPLETION OF THE BOSS CHAIR, AT APPROX 05:30 AM, INMATE GREEN WAS DIRECTED TO TURN AWAY FROM OFFICER [REDACTED] AND PLACE HIS HANDS BEHIND HIS BACK TO BE PUT BACK IN RESTRAINTS. INMATE GREEN APPEARED TO FOLLOW HIS DIRECTION, THEN AGGRESSIVELY SPUN AND PUNCHED OFFICER [REDACTED] IN THE LEFT SIDE OF HIS HEAD AND VIOLENTLY CHARGED HIM, TO CONTINUE THE ASSAULT.

DESCRIBE ACTUAL FORCE USED:

SGT. [REDACTED], STANDING DIRECTLY BEHIND OFFICER [REDACTED] DELIVERED ONE OR TWO SWIFT BATON BLOWS TO THE INMATE'S UPPER TORSO AREA, INADVERTENTLY STRIKING INMATE GREEN IN HIS HEAD. OFFICER [REDACTED] IN AN ATTEMPT TO PROTECT HIMSELF, STRUCK THE INMATE SEVERAL TIMES TO HIS UPPER BODY AREA WITH CLOSED FIST PUNCHES. OFFICER [REDACTED] RESPONDED IMMEDIATELY BY GRABBING THE INMATE BY HIS SHIRT COLLAR AND FORCING HIM TO THE WALL AS OFFICER [REDACTED] SIMULTANEOUSLY STRUCK INMATE GREEN SEVERAL TIMES TO THE RIGHT SIDE OF HIS FACE AND BODY. OFFICER [REDACTED] ALSO ATTEMPTED TO PULL THE INMATE AWAY BY GRABBING HIM BY HIS SHIRT AND COLLAR AREA. OFFICER [REDACTED] USING BOTH HIS HAND AND ARMS TO PLACE INMATE IN A UPPER BODY HOLD FROM BEHIND WHICH ULTIMATELY FAILED. OFFICER [REDACTED] CONTINUING TO STRIKE THE INMATE IN THE FACE WITH BOTH HIS FISTS AND RIGHT KNEE TO HIS LOWER TORSO. INMATE GREEN VIOLENTLY STRUGGLED WITH STAFF AND REFUSED ALL ORDERS TO STOP RESISTING. OFFICER [REDACTED] WAS ATTEMPTING TO FORCE THE INMATE TO THE GROUND, BY PUSHING DOWNWARD ON HIS UPPER TORSO. SGT [REDACTED] WAS GIVING ORDERS TO INMATE GREEN TO STOP RESISTING AND GET ON THE GROUND, WHICH HE DID NOT COMPLY AND CONTINUED HIS AGGRESSIVE BEHAVIOR. OFFICERS [REDACTED] AND [REDACTED] ENTERED THE ROOM AND IMMEDIATELY AIDED THE OFFICERS IN ATTEMPTING TO TAKE INMATE GREEN TO THE GROUND. OFFICER [REDACTED] THEN DELIVERED MULTIPLE KNEE STRIKES TO THE INMATE'S LOWER TORSO. OFFICER [REDACTED]

UN5571 STATE OF N. Y. - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
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 16:52:46 GREEN HAVEN GENERAL UF LOG NO. 160002.00  
 INCIDENT DATE 01/04/16 TIME 05:30AM UI CCC NO. 247583  
 GEN LOC. 01 ADMIN BLDG SPEC LOC. CB LOG NO.

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OFFENDER	DIN/NYSID	ETHNIC	ROLE
GREEN, DARNELL	15I0019		PERP

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DESCRIBE ACTUAL FORCE USED: (CONTINUED)

██████████ ATTEMPTED TO REACH FOR HIS BATON BUT INADVERTENTLY GRABBED HIS RADIO AND STRUCK INMATE GREEN ONE TIME WITH THE BOTTOM END OF HIS RADIO TO HIS UPPER BODY AREA. OFFICER ██████████ THEN STRUCK THE INMATE IN THE FACE WITH HIS RIGHT CLOSED FIST, IN AN ATTEMPT TO DROP THE INMATE TO THE GROUND. THE INMATE WAS FINALLY FORCED TO THE GROUND FACE DOWN, HOWEVER STILL VIOLENTLY RESISTING ON THE GROUND. THE INMATE REFUSED TO GIVE UP HIS HANDS FOR MECHANICAL RESTRAINTS TO BE APPLIED, AT THIS TIME ██████████ GAVE THE INMATE TWO SOFTENING STRIKES WITH HIS RIGHT FOOT, TO THE INMATE'S RIGHT SHOULDER AND ARM AREA. OFFICER ██████████ DELIVERED SEVERAL CLOSED FIST STRIKES TO THE INMATE'S RIGHT TORSO WHILE THE INMATE WAS STILL VIOLENTLY STRUGGLING. OFFICER ██████████ THEN PLACED HIS LEFT KNEE ON THE LOWER BACK OF THE INMATE IN AN ATTEMPT TO CONTROL THE INMATE'S STRUGGLE. OFFICER ██████████ TOOK CONTROL OF THE INMATE'S LEG. OFFICER ██████████ USED BOTH RIGHT AND LEFT HANDS TO CONTROL THE INMATE'S UPPER TORSO SHOULDER AREA. OFFICER ██████████ FORCED THE INMATE'S LEFT HAND TO THE SMALL OF HIS BACK, AS OFFICER ██████████ PLACED MECHANICAL RESTRAINT TO HIS LEFT WRIST, WHILE THE INMATE WAS STILL RESISTING. OFFICER ██████████ THEN GAINED CONTROL OF THE INMATE'S RIGHT HAND FORCING IT TO THE SMALL OF INMATE GREEN'S BACK. OFFICER ██████████ WHILE ATTEMPTING TO APPLY MECHANICAL RESTRAINTS TO THE INMATE'S RIGHT WRIST, INMATE GREEN TURNED HIS HEAD AGGRESSIVELY WITH AN OPEN MOUTH, ATTEMPTING TO BITE OFFICER ██████████'S KNEE AREA. OFFICER ██████████ OBSERVED INMATE GREEN'S ATTEMPT TO BITE OFFICER ██████████. OFFICER ██████████ THEN DELIVERED TWO SOFTENING BLOWS FROM HIS LEFT AND RIGHT FOOT TO THE INMATE'S UPPER TORSO. AT THIS TIME OFFICER ██████████ WAS ABLE TO PLACE MECHANICAL RESTRAINTS TO INMATE GREEN'S RIGHT WRIST. AT THIS TIME SGT. ██████████ NOTIFIED LT ██████████ VIA RADIO. ONCE INMATE GREEN WAS FULLY PLACED IN MECHANICAL RESTRAINTS, HE WAS STILL AGGRESSIVE AND COMBATIVE.

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FORM 2104.1 (3/93)

Ref. Directives #4944, 4004

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

## USE OF FORCE REPORT (CONT'D)

There are \_\_\_\_\_ other  
reports filed under this  
Use of Force Log #

FACILITY OSH G4CF	Date & Time of Incident 1/4/16 5:30 AM	Facility Use of Force Log # 10-002
INMATE NAME GREEN DANWELL	DIN 15I0019	If Unusual Incident, CCC Log # 160003

## PART B - PHYSICAL EXAMINATION / TREATMENT REPORT

EXAMINER'S NAME AND TITLE

Date &amp; Time of Examination

CHARLES WOLFF RNII 0337 1/4/16 5:45 AM

MEDICAL REPORT (INDICATE DATE &amp; TIME OF EXAMINATION, DESCRIBE EXTENT OF ANY INJURIES, AND DESCRIBE TREATMENT PROVIDED)

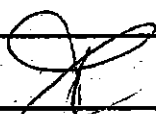
TOP RIGHT SIDE OF FOREHAND ABOVE HAIRLINE HAS L-SHAPED  
JAGGED LACERATION AS INDICATED ON ADDENDUM —  
LEFT EYE SWOLLEN, WILL NEED AN X-RAY TO  
ENSURE STRUCTURAL INTEGRITY OF SOCKET. V/S  
OBTAINED: 140/100, 84, 18, 98% - PHOTOS OBTAINED  
AS PER DIRECTIVE. TRANSPORT TO OSH FOR EVAL. AND  
TREATMENT.

EXAMINER'S SIGNATURE AND DATE

 1/4/16

## PART C - REVIEW AND EVALUATION BY SUPERINTENDENT

SUPERINTENDENT'S SIGNATURE AND DATE





PAGE 3

STATE OF NEW YORK  
DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION  
UNUSUAL INCIDENT REPORTPRINTED AT  
01/13/16 04:52 PM

GREEN HAVEN GENERAL FAC CODE 080 FAC LOG# 160003 CCC# 247583

UF LOG# 160002

INCIDENT DATE 01/04/16 TIME 05:30 AM LOCATION ADMIN BLDG

USE OF FORCE YES WEAPON USED YES WORKPLACE VIOLENCE YES

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ACTION TAKEN:

(CONTINUED)

ALL PHOTOS AND PERTINENT PAPERWORK COMPLETED.

SUPT. GRIFFIN, OD/DSS WILKINS AND SP INV. SHAW NOTIFIED.

INMATE WILL BE TRANSFERRED TO SHAWANGUNK UPON DISCHARGE FROM HOSPITAL.

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MEDICAL REPORT:INMATE GREEN, 15I0019: TOP RIGHT SIDE OF FOREHEAD HAS L-SHAPED  
JAGGED ONE INCH LACERATION AND LEFT EYE SWOLLEN. INMATE RECEIVED  
FIVE STAPLES AT PUTNAM HOSPITAL.C. WOLFF /NURSE  
EXAMINER NAME/TITLE01/04/16 05:30 AM  
EXAM DATE/TIME

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PROPERTY DAMAGE:

N/A

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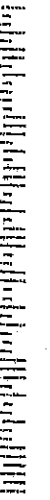
NOTIFICATION (FAMILY):

N/A

NOTIFICATION (POLICE/OTHER):SUPERINTENDENT GRIFFIN  
OD DSS WILKINS  
SP INV SHAW



Darryl



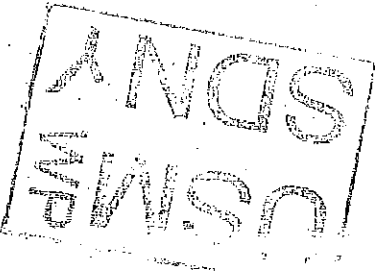
Southport Correctional Facility  
P.O. Box 2000

Pine City, NY 14871-2000

MAY 05 2020

C-2ND FLOOR

Clerk (PROSE Intake)  
U.S. District Court  
300 Quarropas Street  
White Plains, NY 10601



SOUTHPORT

NEOPOST



Correctional Facility



04/27/2020  
USPS